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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,096	05/31/2006	Yuji Yamada	290541US8PCT	5377
22850	7590	06/26/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MONIKANG, GEORGE C	
			ART UNIT	PAPER NUMBER
			2614	
			NOTIFICATION DATE	DELIVERY MODE
			06/26/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/581,096	<b>Applicant(s)</b> YAMADA ET AL.	
	<b>Examiner</b> GEORGE C. MONIKANG	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/581,096.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/16/2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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3. Claims 1-2, 4-9 & 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberbach, US Patent 4885782, in view of Fujita et al US Patent 5812685.

Re Claim 1, Eberbach discloses an audio signal processing apparatus adapted for delivering an audio signal to a speaker system, comprising: a frequency dividing filter configured to output portions of a preprocessed audio signal input thereto as separate frequency components (Eberbach, fig. 2; col. 3, lines 34-49); at least two drive units which are divided or separated by frequency band, configured to receive the separate frequency components output from the frequency dividing filter (Eberbach, fig. 2; col. 3, lines 34-49); but fails to disclose a FIR filter configured to generate process the preprocessed input audio signal preprocessing an input signal on the basis of an inverse correction characteristic corresponding to an overall impulse response of the speaker system, the input audio signal being preprocessed to compensate for a shift between phases of respective sound waves radiated from respective drive surfaces of the at least two drive units of the speaker system, the shift being caused by relative physical locations of the respective drive surfaces. However, Fujita discloses a speaker system with a FIR filter that preprocesses the input audio signals by utilizing a coefficient of inverse correction of speaker responses within a speaker array that includes phase response and distortion of frequency (Fujita et al, fig. 4: 6; col. 6, lines 26-37). Therefore, it would have been obvious to preprocess the input signals of Eberbach with a FIR filter as taught in Fujita et al (Fujita et al, fig. 4: 6; col. 6, lines 26-

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37), thus preprocessing the phase delay and creating a more efficient phase compensation between the speakers in the housing.

Re Claim 2, the combined teachings of Eberbach and Fujita et al disclose the audio signal processing apparatus as set forth in claim 1, wherein the at least two drive units include a drive unit for reproducing a signal at a high frequency band and a drive unit for reproducing a signal at a low frequency band (Eberbach, fig. 2; col. 3, lines 34-49) and are coaxially disposed with respect to acoustic center (Eberbach, fig. 1; col. 3, lines 22-33).

Re Claim 4, Eberbach discloses an audio signal processing apparatus adapted for delivering an audio signal to a speaker system, comprising: a frequency dividing filter outputting portions of a preprocessed audio signal input thereto as separate frequency components (Eberbach, fig. 2; col. 3, lines 34-49); at least two drive units which are divided or separated by frequency band receiving the separate frequency components output from the frequency dividing filter (Eberbach, fig. 2; col. 3, lines 34-49); but fails to disclose a first filter having a predetermined arbitrary transmission characteristic; and an FIR filter having an inverse correction characteristic corresponding to an overall impulse response of the speaker system, the preprocessed audio signal being generated by preprocessing an input signal with the FIR filter to compensate for a shift between phases of respective sound waves radiated from respective drive surfaces of the at least two drive units of the speaker system, the shift being caused by the relative physical locations of the respective drive surfaces. However, Fujita discloses a speaker system with a FIR filter that preprocesses the input audio signals by utilizing a

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coefficient of inverse correction of speaker responses within a speaker array that includes phase response and distortion of frequency (*Fujita et al, fig. 4: 6; col. 6, lines 26-37*). Therefore, it would have been obvious to preprocess the input signals of Eberbach with a FIR filter as taught in Fujita et al (*Fujita et al, fig. 4: 6; col. 6, lines 26-37*), thus preprocessing the phase delay and creating a more efficient phase compensation between the speakers in the housing. The combined teachings of Eberbach and Fujita et al fail to explicitly disclose a first filter unit. Since the FIR filter 4 of Fujita et al is already being used as an equalizer and phase compensator, it would have been the designer's preference to use two FIR filter within the DSP of Fujita et al (*Fujita et al, fig. 4: 6*), one as an equalizer and the other as a phase compensator for the purpose of establishing a more efficient equalizer/phase compensator.

Re Claim 5, the combined teachings of Eberbach and Fujita et al disclose the audio signal processing apparatus as set forth in claim 4, wherein transmission characteristic of the first filter is a frequency characteristic in which group delay characteristic is constant (*Fujita et al, fig. 4: 6; col. 6, lines 26-37: FIR filter comprises group delays that can be made constant*).

Re Claim 6, the combined teachings of Eberbach and Fujita et al disclose the audio signal processing apparatus as set forth in claim 4, wherein transmission characteristic that the first filter has is characteristic for conducting a control such that sound image localization position in the case where an input audio signal is reproduced by plural speakers results in an arbitrary position (*Fujita et al, fig. 4: 6; col. 6, lines 26-37: FIR filter utilized as equalizer*).

Claims 7 & 8 have been analyzed and rejected according to claim 6.

Re Claim 9, the combined teachings of Eberbach and Fujita et al disclose the audio signal processing apparatus as set forth in claim 8, wherein the electro-acoustic transducer is a speaker system (*Fujita et al, fig. 4: 6; col. 6, lines 26-37*).

Claim 13, the combined teachings of Eberbach and Fujita et al disclose the audio signal processing apparatus as set forth in claim 8, wherein the electro-acoustic transducer is an audio amplifier (*Fujita et al, fig. 4: 6, 11; col. 6, lines 26-37*).

1. Claim 14, Eberbach and Fujita et al disclose the audio signal processing apparatus as set forth in claim 4, with wherein the first filter means adds, to the input audio signal, an impulse response characteristic which has been selectively switched among impulse response characteristics of plural kinds of electro-acoustic transducers (*Fujita et al, fig. 4: 6, 11; col. 6, lines 26-37: coefficients associated with the FIR filter are stored in memory were they are selectively utilized for equalization and phase compensations*).

Claim 15 has been analyzed and rejected according to claim 4.

Claim 16 has been analyzed and rejected according to claim 1.

Claim 17 has been analyzed and rejected according to claim 4.

2. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eberbach, US Patent 4885782 and Fujita et al, US Patent 5812685 as applied to claim 8 above, in view of Packard, US Patent 7035417 B1.

Re Claim 10, Eberbach and Fujita et al disclose the audio signal processing apparatus as set forth in claim 8, but fail to disclose where an electro-acoustic transducer is a record needle as taught in Packard (Packard, col. 10, lines 1-17). It would have been obvious to modify the audio signal processing apparatus with a record needle as taught in Packard (Packard, col. 10, lines 1-17) for the purpose of implementing the system with record players.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eberbach, US Patent 4885782 and Fujita et al, US Patent 5812685as applied to claim 8 above, in view of Hirade et al, US Patent 7119267 B2.

Re Claim 11, Eberbach and Fujita et al disclose the audio signal processing apparatus as set forth in claim 8, but fail to disclose where an electro-acoustic transducer is a record recording/reproducing device as taught in Hirade et al (Hirade et al, col. 2, lines 41-52). It would have been obvious to modify the audio signal processing apparatus of Eberbach and Fujita et al with the recording/reproducing device of Hirade et al for the purpose of implementing the system with CD/portable players.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eberbach, US Patent 4885782 and Fujita et al, US Patent 5812685as applied to claim 8 above, in view of official notice.

Re Claim 12, Eberbach and Fujita et al disclose the audio signal processing apparatus as set forth in claim 8, but fails to explicitly disclose where the electro-



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acoustic transducer is an adding unit for cross cancellation. However, official notice is taken that the concepts and advantages of incorporating an adding unit within an electro-acoustic transducer are well known in the art. Thus it would have been obvious to incorporate such an adding unit for the purpose of creating a system with cross cancellation compensation capabilities.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE C. MONIKANG whose telephone number is (571)270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Monikang/  
Examiner, Art Unit 2614

6/11/2009

**/Vivian Chin/**  
**Supervisory Patent Examiner, Art Unit 2614**